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## Youth - The Youth Employment Act: A Practical Proposal

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constitution, and cannot be held to be prohibited by it without violating its plain intent.<sup>19</sup> Therefore, section 2-725 which amends section 24a by implication, being complete within itself, does not fall within the constitutional prohibition and may be deemed to be valid. The two statutes here concerned may now be read together to establish a six month period in which to commence a new suit where the action is based upon the breach of a contract of sale under section 2-725, and a one year period in which to commence a new suit in actions not based upon the breach of a contract of sale under section 24a.

As an addendum to this discussion, it is of interest to call attention to the legislative oversight which has occasioned this paper. A conflict similar to that involved in this paper would have existed between Uniform Commercial Code section 2-725, subsection (1), which provides for a four year statute of limitations on actions based upon the breach of a contract of sale,<sup>20</sup> and sections 15 and 16 of the prior Limitations Act which provide for a five year statute of limitations on oral contracts and for a ten year statute of limitations on written contracts.<sup>21</sup> The Illinois legislature prevented the materialization of this potential conflict by amending sections 15 and 16 to read that "except as provided in section 2-725 of the Uniform Commercial Code" there is a five year statute on oral and a ten year statute on written contracts.<sup>22</sup>

Since the legislature, by amending sections 15 and 16, prevented the materialization of the problems discussed here concerning section 2-725 (1), it may be assumed that the failure of the legislature to similarly amend section 24a, so as not to conflict with section 2-725(3) was due to legislative oversight.

*R. Gutof*

<sup>19</sup> *Timm v. Harrison*, 109 Ill. 593 (1884).

<sup>20</sup> ILL. REV. STAT. ch. 26, § 2-725 (1961).

<sup>21</sup> ILL. REV. STAT. ch. 83, §§ 15, 16 (1872).

<sup>22</sup> ILL. REV. STAT. ch. 83, §§ 15, 16 (1961).

## YOUTH—THE YOUTH EMPLOYMENT ACT: A PRACTICAL PROPOSAL<sup>1</sup>

There is no reason why one million young Americans, out of school and out of work, should all remain unwanted and often untrained on our city streets when their energies can be put to good use<sup>2</sup>

<sup>1</sup> At the time of this writing, the bill has been passed by the Senate and is under consideration in the Education and Labor Committee of the House of Representatives.

<sup>2</sup> *State of the Union Message I UNITED STATES CODE CONGRESSIONAL AND ADMINISTRATIVE NEWS*, February 5, 1963, p. 189.

With these words, bills S.1 and H.R.1, dealing with youth employment, were introduced in the 88th Congress.<sup>3</sup> Both the coveted designations and the emphasis placed upon this bill by the President in his youth message to Congress show the importance with which the problem of youth employment is viewed by the present administration. Referring specifically to the Youth Employment Act (Y.E.A.) the President stated:

The bill is a measure of the first priority. The effects of unemployment are nowhere more depressing or disheartening than among the young. Common sense and justice compel establishment of this program, which will give many thousands of currently unemployed young persons a chance to find employment, to be paid for their services and to acquire skills and work experience that will give them a solid start in their working lives.<sup>4</sup>

The bill is a two-pronged program designed to provide useful work experiences for unemployed youths so that their future employability may be increased.<sup>5</sup> The contemplated programs have come at a time when they are most needed, for in today's labor market, there is less and less demand for unskilled and uneducated labor. To compete for good jobs, workers must have a fundamental education; yet the rate of high school dropouts has continued at high levels despite a steady decline in jobs available to those without a high school education. Each year there are 750,000 to 800,000 high school dropouts—three to four out of every ten students. The figure for vocational schools is even higher, averaging two out of every three students.<sup>6</sup> Compounding the problem of youth employment is the fact that, starting this year, one million more youngsters will reach age sixteen each year than attained that same age in 1962.<sup>7</sup>

#### TITLE I

Title I of the Act creates a Youth Conservation Corps (Y.C.C.) administered by the federal government to work on federal land. The Corps will engage in conservation projects to improve natural resources and outdoor recreational facilities.<sup>8</sup> Its work will be similar to the Civilian

<sup>3</sup> *Youth Employment Opportunities* 9 CONGRESSIONAL QUARTERLY WEEKLY REPORT, March 1, 1963, p. 250. The bill H.R. 1, was introduced after some minor alterations as H.R. 1890.

<sup>4</sup> *Presidents Youth Message* 7 CONGRESSIONAL QUARTERLY WEEKLY REPORT, February 15, 1963, p. 189.

<sup>5</sup> *Hearings on S.1. Before the Committee on Labor and Public Welfare, 88th Cong., 1st Sess., (1963)* (Hereinafter referred to as *Senate Hearings*). *Senate Passes President's Youth Employment Bill, 50-34* 15 CONGRESSIONAL QUARTERLY WEEKLY REPORT, April 12, 1963, p. 553.

<sup>6</sup> SAR A. LEVITAN, *YOUTH EMPLOYMENT ACT* (W. E. Upjohn Institute for Employment Research, 1963) 2.

<sup>7</sup> *Coming: A Crisis for Young Workers*, BUSINESS WEEK, February 16, 1963, p. 27.

<sup>8</sup> Senate Hearings.

Conservation Corps (C.C.C.), one of the most successful federal programs of the Thirties.

The responsibility for the administration of the camps is vested in a Director who is selected by the President by and with the advice of the Senate. Responsibility for reaching the designated goals of the program is vested in the Secretary of Labor.<sup>9</sup>

Enrollment in the Corps would be limited to males between the ages of sixteen to twenty-one inclusive, with standards of selection to be determined by the Director. The bill specifies a maximum enrollment in the Corps of fifteen thousand youths for the first fiscal year, while the number for succeeding years is to be determined by Congressional appropriation.<sup>10</sup>

Under the bill, a youth may enroll for a period of six months and may renew his period of training up to a maximum of two years. The proposed plan of enrollment calls for one-half of the total authorized enrollment to be based on the ratio of male youths, age sixteen to twenty-one, in any given state to the total U.S. population in the same group. The second half of the enrollment is, in the discretion of the Secretary of Labor, to be determined generally by a ratio of unemployment in a state to unemployment in the nation.<sup>11</sup>

The enrollees are to be paid sixty dollars per month and will be furnished with all room, board, recreational and health facilities.<sup>12</sup>

## TITLE II

The programs envisaged by Title II are those which present opportunities to work at useful community projects which would not otherwise be accomplished. The object of this Title is to provide young men and women with meaningful jobs which will benefit both the trainee and the community.

<sup>9</sup> *Ibid.* S. Rep. No. 111, 88th Cong., 1st Sess. 89 (1963). The Secretary of Labor's general authority includes: the establishment of adequate standards of health, safety and conduct; the entrance into agreements with participating federal agencies; the development of a system of training and educational services; the purchase of supplies and equipment; and the delegation of any of these functions to the Director of the Y.C.C. To assist the Secretary of Labor an Interdepartmental Committee consisting of representatives of the Departments of Health, Education and Welfare, Agriculture, and Interior has been established. The committee is empowered to consult with and advise the Secretary of Labor in respect to all phases of the operation of the Corps.

<sup>10</sup> Senate Hearings.

<sup>11</sup> Senate Hearings. Within this system the advantage of federal legislation, as opposed to state legislation, can be found. The state programs, for example: IDAHO CODE ch. 6, §§ 601-609 (Cum. Supp., 1963); MICHIGAN STAT. ch. 148a, § 16.414 (Current Material, 1962); WISCONSIN STAT. ch. 100, § 15.60(h)1,2 (Cum. Supp., 1963), are limited to their boundaries; while the federal program, on the other hand, through its combined ratio and discretionary selection system, not only allows aid to depressed areas by removing potential welfare cases, but has the further advantage of allowing a manipulation of the Corps throughout the United States so as to aid areas according to their needs.

<sup>12</sup> Senate Hearings.

Under this Title enrollees are to live at home unless State Conservation Camps are located within their immediate area.<sup>13</sup> Through this plan the potential high school dropout who might leave school for financial reasons could be encouraged to remain in school by allowing him to participate in the program part time and, at the same time, to continue his education.<sup>14</sup>

The bill provides the following criteria to be used in the approval of proposed projects:

- A. The project will increase the employability of the enrollees, or will enable student enrollees to resume or to maintain school attendance.
- B. The service performed by the enrollees would not otherwise be provided.
- C. The project would not result in the displacement of regular workers.
- D. Wages paid to the enrollees would be reasonably consistent with the rates and conditions applicable to comparable work in the locality.
- E. The work will encourage enrollees from dropping out of school.
- F. Programs with a high training potential will receive priority.<sup>15</sup>

Mechanically, Title I and Title II are similar, as responsibilities for the administration of both are vested in the Secretary of Labor, who is to be aided by the appropriate local administrators. The major differences between the two programs are (1) the splitting of costs by state and federal governments and (2) the inclusion of women in the program provided under Title II.<sup>16</sup>

The two titles contemplated by the Y.E.A. corresponds somewhat to the C.C.C. and, to a lesser degree, to the National Youth Administration (N.Y.A.) of the Thirties. Although Title I of the Y.E.A. is similar in purpose and general format to the C.C.C., it differs substantially from it in composure as a result of changed times.

The C.C.C. was much larger in scope, having had an authorized enrollment of 300,000, compared with the authorized enrollment of 60,000 of the Y.C.C.<sup>17</sup> The enrollees of the C.C.C. were youths between the ages of seventeen to twenty-three, while on the other hand, the enrollees of the Y.C.C. are to be between the ages of sixteen to twenty-one.<sup>18</sup>

Because of the emergency conditions of the Thirties, enrollees had only to prove that they were employed and were desirous of employment.<sup>19</sup> In the Y.C.C. an elaborate ratio system is used. Thus each state is given equal opportunity to participate in the program, while special assistance is given to depressed areas. Also, compensation offered the enrollees is

<sup>13</sup> Senate Hearings.

<sup>14</sup> Senate Hearings.

<sup>15</sup> Senate Hearings.

<sup>16</sup> Senate Hearings.

<sup>17</sup> 16 U.S.C. § 584 f (1941).

<sup>18</sup> 16 U.S.C. § 584 g (1941).

<sup>19</sup> *Ibid.*

higher today than it was in the Thirties, the increase being proportional to the rise in our cost of living.<sup>20</sup>

One of the most significant differences between the C.C.C. and Y.E.A. lies in the fact that the administration of the C.C.C. camps was the responsibility of the War Department.<sup>21</sup> The Y.E.A., rather than formulate a comprehensive maintenance plan, gives this administrative power to the Secretary of Labor to utilize in his discretion.

The N.Y.A. was created by executive order in 1935. Although it was originally limited to unemployed young men and women between the ages of sixteen to twenty-five who were out of school, it was later broadened in scope to provide students in financial need with employment on school projects. The broadening of the program to include students in financial need was calculated, as is Title II of the Y.E.A., to discourage school dropouts by providing students with some cash income while attending school.<sup>22</sup>

It appears that discrimination in the C.C.C. was not a great problem. Over ten percent of the enrollees were Negroes, and where regional conditions permitted, they received the same food, quarters, clothing and general privileges as other youths.<sup>23</sup>

The phrase, "no person shall be excluded on account of race, color or creed" was added to the Youth Employment Act.<sup>24</sup> However, the proposed amendment which would prohibit discrimination and would authorize the Attorney General to enforce the prohibition was rejected.<sup>25</sup> The committee felt that the task of preventing discrimination should be left in the discretionary power of the Secretary of Labor.<sup>26</sup>

Although the sentiments of one man are not the means to insure civil rights, in this case it seems that the fears of the opponents of the bill are unfounded. Civil rights, though not guaranteed by the statute, are guaranteed by the Committee on Equal Employment Opportunity.<sup>27</sup> The executive order that created the committee pronounced a policy prohibiting

<sup>20</sup> Senate Hearings. Enrollees will be paid sixty dollars for the first enrollment and an additional five dollars a month for each subsequent reenrollment.

<sup>21</sup> American Youth Commission, *YOUTH AND THE FUTURE* (American Council On Education, 1942) 31. 16 U.S.C. § 584 c (1941).

<sup>22</sup> *The National Youth Administration*, XLII SCHOOL AND SOCIETY, July-December, 1935, p. 21. American Youth Commission, *YOUTH AND THE FUTURE* (American Council On Education, 1942) 67.

<sup>23</sup> K. Holland and F. E. Hill, *YOUTH IN THE C.C.C.* (American Council On Education, 1942) 257.

<sup>24</sup> *Senate Passes President's Youth Employment Bill*, 50-34 15 CONGRESSIONAL QUARTERLY WEEKLY REPORT, April 12, 1963, p. 554.

<sup>25</sup> *Id.* at 591.

<sup>26</sup> Senate Hearings.

<sup>27</sup> Exec. Order No. 10925, 26 Fed. Reg. 1977 (1961).

discrimination against any employee or applicant for employment in the federal government because of race, color or religion.<sup>28</sup>

Because of the recent advances of the integration movement, it would seem more realistic that an administration which has endeavored to attain the goals of non-discrimination would not only disavow all segregation, but in all likelihood would use these camps as a positive force to enhance this movement.

There appears to be little doubt as to the constitutionality of the Act. Because employment is a matter of major national concern, this statute seems to be within the perview of the General Welfare Clause.

In *United States v. Query*,<sup>29</sup> where South Carolina attempted to levy a sales tax on the camp exchange, the Federal Court upheld the constitutionality of the C.C.C. stating:

The camp exchange is an integral and necessary part of the Corps which is engaged in providing employment as well as vocational training to unemployed citizens of the United States for the performance of useful work and in salvaging and conserving the natural resources of the United States. *Such a function of the Government is authorized under Article 1, section 8, cl. 1, of the Federal Constitution.*<sup>30</sup>

Since the Y.E.A., is based upon the format of the C.C.C., it must, under the authority of this decision, be considered constitutional in all respects.

The general response to the Y.E.A. has been overwhelmingly favorable. The negligible criticism of the Act comes, for the most part, from partisan politicians.

The first criticism of the Act is that the cost per enrollee would be exorbitant while the returns would be nominal. In answer to this criticism one writer has stated that it would be wiser to spend ten thousand dollars on the rehabilitation of one youth than to allow him to drift into unemployment.<sup>31</sup> Furthermore, by providing jobs to unemployed youths, welfare expenditures will be reduced and the juvenile delinquency problem alleviated.

The second criticism decries the fact that sixteen-year-old boys would be allowed to join the Corps without a parent or guardian's consent.<sup>32</sup> This appears to be constructive criticism of a defect in the statute which could be cured by an amendment.

The third criticism of the Y.E.A. is that the training and educational programs will be ineffective, inasmuch as the enrollee must first put in

<sup>28</sup> *Ibid.*

<sup>29</sup> *United States v. Query*, 21 F. Supp. 784 (E.D.S.C. 1938).

<sup>30</sup> *Ibid.*

<sup>31</sup> SAR A. LEVITAN, *op. cit. supra* note 6, at 12-20. S. REP. NO. 111, 88th Cong., 1st Sess. 89 (1963).

<sup>32</sup> *Ibid.*

an eight-hour work day.<sup>33</sup> Furthermore, the opponents of the Y.E.A. point out that the needs of today are different from the needs of yesterday. Although unemployment is high, the number of unfilled jobs is also high. They claim that the difference between unemployment today and unemployment in the Thirties lies in the fact that unemployment today is caused by a lack of skilled labor while unemployment in the Thirties was caused by a lack of jobs.<sup>34</sup>

The argument appears to be without merit; the opponents of the bill overlook the fact that the C.C.C. taught 800,000 men service skills of all types.<sup>35</sup> This is certainly a testimonial for the program which was established by the C.C.C. and which is to be recreated by the Y.E.A.

The tone of our times has changed from the Depression years; yet, in the midst of plenty, our unemployment problem grows greater. The emergency of the Thirties has passed; yet a new emergency has arisen: Annually one and one-quarter million high school dropouts are permitted to swell a labor force that, because of automation, is already rejecting one and one-quarter million *seasoned* workers a year.<sup>36</sup>

The Y.E.A. had a successful predecessor in the C.C.C. It is likely that a successful program can again be created. Although times have changed, our problem remains the same—to many unemployed, unskilled and uneducated laborers.

S. Kite

<sup>33</sup> *Ibid.*

<sup>34</sup> *Ibid.*

<sup>35</sup> *Six Years of C.C.C. Operations*, 49 MONTHLY LABOR REVIEW, December 1939, p. 1410.

<sup>36</sup> *Automation and the Welfare State*, THE NEW REPUBLIC, April 10, 1961, p. 10.